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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,403	09/01/2004	Georg Rose	DE 020058	8464

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EXAMINER	
NGUYEN, TUAN HOANG	
ART UNIT	**PAPER NUMBER**
2618	
MAIL DATE	**DELIVERY MODE**
07/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/506,403	ROSE, GEORG	
	Examiner	Art Unit	
	Tuan H. Nguyen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/09/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 10, and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavette (US PAT. 6,321,095) in view of Olson et al. (U.S PAT. 6,928,295 hereinafter, "Olson").

Consider claim 1, Gavette teaches a method of data transmission between mobile telephones, comprising the acts of: sending a request signal from a first mobile telephone to a second mobile telephone via a wireless communication (col. 2 lines 14-29).

Gavette does not explicitly show that transmitting by the second mobile telephone a telephone number of the second mobile telephone to the first mobile telephone in response to the request signal.

In the same field of endeavor, Olson teaches transmitting by the second mobile telephone a telephone number of the second mobile telephone to the first mobile telephone in response to the request signal (figs. 1 and 2 col. 3 lines 52-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, transmitting by the second mobile telephone a telephone number of the second mobile telephone to the first mobile telephone in response to the request signal, as taught by Olson, in order to enable wireless devices to select and join a particular wireless network with minimal user interaction and with ease in selection of the network.

Consider claim 2, Olson further teaches the wireless communication includes infrared communication (col. 3 lines 8-20).

Consider claim 3, Olson further teaches the telephone number is transmitted via an infrared interface and/or a radio connection, in particular a Bluetooth connection, a DECT connection, and/or a GSM connection (col. 3 lines 52-65).

Consider claim 4, Olson further teaches user-specific data of the second mobile telephone, including a name and/or address and/or e-mail address, are also transmitted to the first mobile telephone (col. 3 lines 52-65).

Consider claim 10, Gavette further teaches those second mobile telephones which are ready for data transmission are displayed on the first mobile telephone (col. 11 line 30-45).

Consider claim 12, Gavette further teaches a mobile telephone designed for implementing the method of data transmission between mobile telephones (col. 18 lines 37-43).

Consider claim 13, Gavette further teaches a data transmission system, comprising a plurality of mobile telephones designed for implementing data transmission between mobile telephones (col. 2 lines 14-18).

Consider claim 14, Olson further teaches the transmitting act is performed if a profile indicates that the first mobile telephone will also transmit its telephone number to the second mobile telephone (col. 3 lines 52-65).

Consider claim 15, Olson further teaches the transmitting act is performed if the first mobile telephone includes a feature specified by the second mobile telephone (col. 3 lines 43-51).

Consider claim 16, Olson further teaches the transmitting act is performed if a user of the second mobile telephone activates a key thereby providing consent (col. 3 lines 43-51).

Consider claim 17, Gavette further teaches the act of transmitting from the first mobile telephone to the second mobile telephone a message to confirm successful receipt of the telephone number of the second mobile telephone (col. 2 lines 14-29).

Consider claim 18, Gavette further teaches the message includes at least one of a telephone number of the first mobile telephone and user-specific data of the first mobile telephone (col. 7 line 57 through col. 8 line 2).

Consider claim 19, Gavette teaches a mobile telephone comprising: a receiver configured to receive a request from a further mobile telephone for a telephone number of the mobile telephone via wireless a communication link (col. 2 lines 14-29).

Gavette does not explicitly show that a transmitter configured to transmit the telephone number to the further mobile telephone in response to the request from the further mobile telephone.

In the same field of endeavor, Olson teaches a transmitter configured to transmit the telephone number to the further mobile telephone in response to the request from the further mobile telephone (figs. 1 and 2 col. 3 lines 52-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a transmitter configured to transmit the telephone number to the further mobile telephone in response to the request from the further mobile telephone, as taught by Olson, in order to enable wireless devices to select and join a particular wireless network with minimal user interaction and with ease in selection of the network.

Consider claim 20, Olson further teaches the transmitter is configured to transmit the telephone number in response to at least one of: an indication that the further mobile telephone will also transmit its telephone number to the mobile telephone (col. 3 lines 52-65), an indication that the further mobile telephone includes a feature specified by the mobile telephone (col. 3 lines 43-51), and a user of the mobile telephone activating a key thereby providing consent (col. 3 lines 43-51).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gavette in view of Olson as applied to claim 1 above, and further in view of Hatch (U.S PUB. 2003/0119532).

Consider claim 5, Gavette and Olson, in combination, fails to teaches a SMS message is sent by the first mobile telephone to the second mobile telephone in response to the reception of the telephone number of the second mobile telephone.

However, Hatch teaches a SMS message is sent by the first mobile telephone to the second mobile telephone in response to the reception of the telephone number of the second mobile telephone (page 2 [0026] and [0027]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Hatch into view of Gavette and Olson, in order to provide a mobile phone network subscriber can receive his or her text messages or other signals.

5. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavette in view of Olson as applied to claim 1 above, and further in view of Okano (U.S PAT. 6,763,238).

Consider claim 6, Gavette and Olson, in combination, fails to teaches an optical and/or acoustic and/or vibration signal is emitted at the the second mobile telephone after data transmission by the second mobile telephone.

However, Okano teaches an optical and/or acoustic and/or vibration signal is emitted at the second mobile telephone after data transmission by the second mobile telephone (col. 5 lines 3-13 and 40-50).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Okano into view of Gavette and Olson, in order to provide the portable communication system has a power-supply for supplying power to the transmitting section and the function section, while the controlling cuts off the power supplied to transmitting section from power-supply.

Consider claim 7, Okano further teaches the data transmission function can be switched off by a user at the second mobile telephone to prevent the transmitting act (col. 4 lines 34-51); the second mobile telephone remaining on after the data transmission function is witching off (col. 4 lines 52-59).

Consider claim 8, Okano further teaches the transmitting act takes place as a function of fulfillment of a given or specifiable criterion (col. 4 lines 34-51).

Consider claim 9, Okano further teaches criterion comprises a user-specific profile and/or filter (col. 4 lines 14-18).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gavette in view of Olson as applied to claim 1 above, and further in view of Anttila (U.S PAT. 6,370,394).

Consider claim 11, Gavette and Olson, in combination, fails to teaches the transmitting act takes place between all subscribers of a GSM network, between subscribers within a send/receive cell, or between subscribers of a defined group.

However, Anttila teaches the data transmission takes place between all subscribers of a GSM network, between subscribers within a send/receive cell, or between subscribers of a defined group (col. 9 line 37 through col. 10 line 25).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Anttila into view of Gavette and Olson, in order to provide flexible system which reduces the problems caused by overlapping networks.

Conclusion

7. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618

T.N

NAY MAUNG
SUPERVISORY PATENT EXAMINER